



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Dominiciano B. Dequit, U.S. Navy (Retired)  
(Deceased)

**File:** B-231021

**Date:** November 25, 1988

### DIGEST

Where deceased Navy member (retired) failed to change beneficiary designation before death, the person actually listed as beneficiary on the beneficiary designation form at the time of member's death was entitled to receive any arrears of member's retired pay due and unpaid.

### DECISION

This involves an appeal of our Claims Group's settlement of a claim for payment of arrears of retired pay and unnegotiated checks due a deceased member of the United States Navy. The member's sister is filing for the benefits. We conclude that the deceased member's former wife is the correct beneficiary and sustain the decision of the Claims Group.

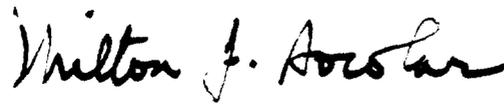
On January 2, 1986, Dominiciano B. Dequit, United States Navy (Retired) died leaving the proceeds of returned retired checks due to him for the period May 1, 1984 to December 30, 1985 and the payment of the arrears for the period from January 1, 1986 to January 2, 1986. It is the position of the deceased member's sister, Carmencita B. Dequit, that she is entitled to these funds. In so concluding she points out that Mr. Dequit had no spouse at the time of his death as a final judgment of dissolution was legally entered on March 20, 1978, ending his marriage to the former Mrs. Rosalinda Dequit. The dissolution of this marriage is documented in the record.

Payment of arrears of pay due a deceased member of the uniformed services is subject to the provisions of 10 U.S.C. § 2771 (1982). That section establishes a hierarchy of persons who are entitled to the remaining pay. The beneficiary designated by the deceased member has first priority, while persons entitled to the funds under the law of the domicile are least favored.

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The record indicates that Mr. Dequit, did, in a handwritten will executed August 13, 1984, designate his sister, Carmencita B. Dequit as the recipient of his due pay and allowances upon his death. It is also true, however, that Mr. Dequit listed Mrs. Rosalinda Dequit, his wife, as beneficiary for arrears of pay on Navy Form No. 5980/2, Designation of Beneficiary by Retired Members/Fleet Reservists. We have held that where an individual has designated beneficiaries, payment may not be authorized to any other person in view of the order of precedence set out in the statute. See B-168397, Dec. 22, 1969; B-222066, Sergeant Mark D. McBride, USA (Deceased), June 26, 1986. This rule applies even in situations where there is a conflict between a beneficiary designation in a will and a designation made in accordance with the statutes.

In accord with the foregoing, Mrs. Rosalinda Dequit is entitled to all arrears of member's retired pay. The decision of the Claims Group is sustained.

*for*   
Comptroller General  
of the United States